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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 2315 of 1999

New Delhi, this the 17th day of August, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (JUDG.)

Umrao Singh
17, Bhogal Lane,
Jangpura,
New Delhi.

-APPLICANT -APPLICANT

(By Advocate: Shri A.K. Bhardwaj, proxy for Sh. M.K.
Bhardwaj, Counsel)

Versus

1. Union of India

Through:

The General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Sr. Divisional Commercial Manager,
Northern Railway,
Delhi Division,
DRM Office,
Paharganj,
New Delhi.

3. The APO (B),
Northern Railway,
DRM Office,
Paharganj,
New Delhi.

-RESPONDENTS

(By Advocate: Shri Rajinder Khattar)

ORDER

By Hon'ble Mr. Kuldip Singh, Member (Judg.)

The applicant has filed this OA under Section 19 of the Administrative Tribunal's Act, 1985 wherein he has prayed for the following reliefs:-

(a) To mandate the respondents to pay the applicant interest @ 18% per annum on the amount of Gratuity, Leave Encashment & Pension commutation from 1.4.98 till the actual payment of the said benefits to

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him.

(b) To allow the present OA with cost of litigation.

2. Facts, as alleged by the applicant in brief are that the applicant had retired from service on 31.3.98 as Chief Booking supervisor and though he was entitled to his pensionary benefits on the date following his date of retirement but the respondents did not release the amount of DCRG, Leave Encashment and Pension Commutation immediately on his retirement and caused undue and unavoidable delay in releasing the same.

3. It is further stated that while he was in service vide a Memo dated 22.11.1996 the respondents had levied a frivolous charge of slackness in supervision against the applicant but the said matter was over on 28.5.1998 with communication of displeasure to the applicant by the respondents and even after 28.5.98 the respondents caused undue delay in releasing the amount of Gratuity, Leave Encashment & Pension Commutation of the applicant and paid the same to the applicant only on 28.7.99, 31.5.99 and 17.6.99 and the delay caused in release of this amount is attributable to the respondents only and they are liable to pay interest.

4. The respondents who are contesting the OA submitted that the pensionary benefits could not be released due to non finalisation of major penalty charge-sheet and since the applicant had retired so the

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competent authority had passed the order of conveying of Government Displeasure to the applicant which was duly communicated to him on 28.5.98. However, the respondents pleaded that despite the, Government Displeasure note was served on the applicant on 28.5.98 but the case was finally closed on 12.2.99 in consultation with Vigilance Department and after the case was closed payments were released immediately thereafter.

5. I have heard the learned counsel for the parties and gone through the records of the case.

6. There is no dispute that a charge-sheet with regard to major penalty was pending against the applicant at the time of superannuation which was finalised on 28.5.98 but the respondents pleaded that the case was not closed even thereafter and the case was ultimately closed on 12.2.99. However, on going through record I find that there is nothing on record to substantiate the contention of the respondents that they had been making correspondence with the Vigilance Department whether to take any further steps or not and why the Vigilance Department took undue delay in closing the case on 12.2.99. For this purpose there is no fault on the part of the applicant. The applicant was never informed that his retiral benefits are delayed because the respondent is having correspondence/consultations with the Vigilance Department for closing of his case. Thus I find that there is a slight delay in release of the retiral benefits of the applicant without any fault on the part of the applicant and his case was closed on 12.2.99. Thereafter the applicant should have been paid the

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retiral benefits from the date the same had become due and since there is a delay in payment of the same so the OA has to be allowed.

7. In view of the above, I allow the OA and direct the respondents to pay 12% interest on the retiral amounts which had become due to the applicant, on being conveyed Government Displeasure on 28.5.98 till the date of actual payment. This may be done within a period of 3 months from the date of receipt of a copy of this order. No costs.

Kuldeep
(KULDIP SINGH)
MEMBER (JWDL)

Rakesh